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09/808,001	03/14/2001	John Ronald Hughes	8380/PRGA 0103 PUSP	4576

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THE PROCTER & GAMBLE COMPANY
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EXAMINER

NGUYEN, TAN D

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,001

Applicant(s)

HUGHES ET AL.

Examiner

Tan Dean D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed 11/17/05 has been entered.

Claim Rejections - 35 USC § 112

1. Claims 1-14, 15-26, 76 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling.

1) The term “a text-based document containing information relating to the draft technical standard” or “technical document” is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Note that “technical standard” is merely an information or idea(s) or the information/ideas is about a technical standard. Therefore, a “draft technical standard” is merely a “draft idea about a product technical standard”. See example on page 3, lines 9-10 of “electronically capturing a text-based document containing information related to the draft technical standard and adding data-structured attributes to the captured document”.

In claims 1, 15, and 76 above, it's not clear how steps (b), (c), (d), (e), (f), (g) and (h) are carried out. A review of the specification, page 9, lines 28-29, indicates that for (b): “*the technical document is automatically routed to the peer review group for examination*” which shows that a document is routed or in other word, steps (b)-(h) are carried out on a electronic document and not on an information or data. Similarly, on page 11, lines 5-7, which discloses the locking of the document by locking the entry to the document since one cannot practices the steps of claim 1 on an idea. For

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example, how do you carry out (b) "electronically circulating an idea"? or (c.) "electronically lock an idea"? or (d) "electronically locking the draft idea"? or (e) "electronically circulating the locked draft idea"? or (g) "rendering the idea unchangeable once each member of the review group has electronically approved the draft idea"? or (h) "releasing the rendered idea for electronic access?". All of these steps refer to an electronic document or file where one can lock, unlock, rendering the document unchangeable "read-only" format. Moreover, as shown in the specification, applicant has shown only one way of circulating the document or locking the document. No disclosure of how to circulate the information/specification (standard) or locking the information/specification (standard) has been shown. Therefore, the broad claim language in these three set of independent claims have no support.

2. Claims 1-14, 15-26, 76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-14 (method), 15-26 (system), and 76 (product) call for a method, system, and computer-readable media having computer-readable instructions respectively for developing a technical standard in the process of product development comprising:

(a) generating a draft technical standard (specification);

(b) electronically circulating the draft technical standard (specification) to a review group.

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(c) automatically attaching comments (information) to the draft technical standard (specification) ;

(d) electronically locking the standard (specification);

(e) electronically circulating the standard (specification);

(f) collecting electronic approvals ;

(g) rendering the technical standard (specification) unchangeable ...; and

(h) releasing the rendered technical standard (specification) for electronic access”, this is vague and confusing because, the “technical standard” is merely an information or idea, i.e. product specification, see specification, page 1, line 11

“*standards (sometimes called specifications)*”, or F.P. Pad weight 0.10, (see Fig. 8) and not an object, i.e. document or page or memo which can be circulated, edited, and access. From the specification, it appears that the scope of the invention deals with editing and circulating an electronic draft document containing the draft technical standard information or electronically capturing a text-based document containing the information related to the draft technical standard.

In claims 1, 15, and 76 above, it's not clear how steps (b), (c), (d), (e), (f), (g) and (h) are carried out. A review of the specification, page 9, lines 28-29, indicates that for (b): “*the technical **document** is automatically routed to the peer review group for examination*” which shows that a document is routed or in other word, steps (b)-(h) are carried out on a electronic document and not on an information or data. Similarly, on page 11, lines 5-7, which discloses the locking of the document by locking the entry to the document since one cannot lock the specification.

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In claims 1, 15, and 76 above, it's not clear how one can edit/review the draft document which normally requires changing or deleting or adding materials or content materials if the 3rd step requires "electronically locking the draft copy" or in other word, no change is allowed after the comments are attached. There is no citation for "editing or changing the content of the draft technical standard" in the body of the claim. See US Patent 5,040,142, col. 2, and 4 cited below.

Claim Objections

3. Claims 2-3 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Current claim 1, step (a) deals with generating a draft technical specification (or data) called standard. Dep. claim 2 deals with capturing a text-based document electronically. It's not clear how a physical item (document) further limits an abstract idea or data (numbers or words).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 15-26, 76 are rejected under 35 U.S.C. 102(b) as being anticipated by LEMBLE (US patent 5,315,504).

As for independent apparatus claim 15, LEMBLE discloses a computer network system {see Fig. 1 or 2} comprising:

- (a) a database (Fig. 4, 5 "Data Base"),
- (b) module (program) in communication with the database {see Fig. 5, or 6}, and
- (c) module (program) in communication with plurality of users {see Figs. 5 or 6 or 4, or cols. 3-4}.

As for the remaining language, the interface module operative to (a)-(f), these carry no patentable weight since a module is merely a program and it's incapable of carrying out the claimed steps without connecting to a "server system" wherein the server system comprising (a) processor, (b) database and (c) a memory for storing a program, and wherein the processor is operative with the program to: (a)-(f). Therefore, it's recommended that the current claim to be amended to include the language of the "server system" indicated above.

As for dep. claims 16-26 (part of 15), they are rejected for the same reason set forth in claim 15 above since no server system or connection to a server system to carry out the steps are claimed.

As for independent product claim 76, it's rejected over the computer-readable media (program) to carry out the invention of LEMBLE above {see Figs. 5, 18}. As for the limitations of the to (a)-(f), these carry no patentable weight since a media is merely a program and it's incapable of carrying out the claimed steps without connecting to a "server system" wherein the server system comprising (a) processor, (b) database and (c) a memory for storing a program, and wherein the processor is operative with the

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program to: (a)-(f). Therefore, it's recommended that the current claim to be amended to include the language of the "server system" indicated above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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9. Claims 1-14, 15-26, 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of GRAINGER and PARKS.

As for independent method¹ claim 1, AAPA, as shown on pages 1-2 of the specification, "Background Art", fairly discloses a method of developing a technical standard in the process of product development comprising:

- (a) generating a draft technical standard (specifications);
- (b) electronically circulating the draft technical standard (specifications) to a review group.
- (c) electronically attaching comments (information) to the draft technical standard (specification) from the reviewing group;
- (e) electronically circulating the standard (specifications);
- (f) collecting electronic approvals from each member of the approval group, and
- (h) releasing the rendered technical standard (specifications) for electronic access.

In another similar process for electronic workflow processing using the Internet including automatically managing electronic documents related to application such as reviewing a draft application by generating the draft application, circulating the draft for reviewing and editing, adding comments to the draft, editing the draft, and coordinating, tracking, and approving the draft document, [see 0015, 0016, 0026-0039], **GRAINGER** discloses the use of Internet or web pages for global access for circulation of draft document for review and comment comprising carrying out steps of (a) –(c)

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automatically and electronically locking the document at the end of the process so they cannot be subsequently altered {see [0027-0032, 0070, especially 0129]}. GRAINGER also teaches the step of (c.) attaching the comments, messages, attachments, etc. to the electronic document (web page) {see 0096, 0129, Fig. 26, 252}. It would have been obvious to modify the teachings of AAPA by converting the manual and sporadic electronic workflow processing to automatic workflow pipeline with every step in the process to be executed from a computer desktop, slashing administrative costs and processing time for completing the project {see GRAINGER [0027]}.

The teachings of AAPA /GRAINGER fails to teach:

2) step (d) of electronically locking the standard (specifications) after step (c.);

and

(g) rendering the technical standard (specification) unchangeable once each member of the approval group has electronically approved.

In another similar process for processing electronic documents with respect to development of an information/ideas such as news story information, **PARKS** discloses several document monitoring features such as (d) electronically locking the document with information (news story) for the purpose of restricting access to the document to only authorized user, and (g) rendering the document unchangeable (or "read-only" or "RO") to inherently preventing modification or editing of the document {see PARKS Fig. 3B (323 "LOCKED"), FORM (341), "RO" (344), col. 9, line 63 to col. 10, lines 1-5, col. 11, lines 29-34. Since it's well known in the document management or project management that a few number of people approve the draft documentation after it has

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been reviewed, it would have been obvious to a skilled artisan to modify the teachings of (a)-(c.) of AAPA/GRAINGER by carrying out step (d) as taught by PARKS for the purpose of restricting the access of the review document to a certain critical group of selected people, for example, approval group. Note that the selection of certain group for access is well known parameters in managing electronic document and would have been obvious to a skilled artisan to select the desired circulation group. Also, it would have been obvious to modify the teachings of AAPA by including step (g) as taught by PARKS to render the electronic document unchangeable once it has been approved or final document has been reviewed for access.

As for dep. claim 2 (part of 1), which deals with draft generating parameters, i.e. text-based document being captured electronically, this is taught in AAPA page 2, 1st paragraph, see "computer automation, document development, electronic distribution". Moreover, this is also taught in GRAINGER [0048, 0027] or PARKS Figs. 2A or 2B.

As for dep. claim 3 (part of 1), which deals with draft generating parameters, i.e. searching it using other data-structured attributes, this is fairly taught in AAPA, page 1, lines 14-15 wherein "this draft is created by modifying an existing standard" which normally requires or inherently includes some searching using similar data attributes. Moreover, this is non-essential to the scope of the claimed invention which deals with reviewing and approving the draft electronically, and is fairly taught in GRAINGER [0071] or PARKS Figs. 3B, 3C.

As for dep. claim 4 (part of 1), which deals with well known draft reviewing and approving parameters, i.e. tracking status of reviewing and approval, this is fairly taught in GRAINGER in [0010, 0052, 0067, 69] and in view of AAPA/GRAINGER. The selection of other desired or similar variables for tracking is within the skill of the artisan.

As for dep. claim 5 (part of 1), which deals with well known draft reviewing and approving parameters, i.e. electronically notifying specified user upon approval, this is fairly taught in AAPA page 1, lines 16-17, page 2, lines 3-4, or GRAINGER on [0038, 0096, 0130].

As for dep. claim 6 (part of 1), which deals with well known draft reviewing and approving parameters, i.e. storing the standard in a globally accessible database, this is taught in GRAINGER on Fig. 2, 100, 101, 102, 106 (database).

As for dep. claims 7-9 (part of 1), which deals with well known draft reviewing and approving parameters, i.e. limiting access of the standard based on user authorization and approval, these are fairly taught in GRAINGER on [0061, 0129, 0142].

As for dep. claim 10 (part of 1), which deals with well known draft reviewing and approving parameters, i.e. modifying, incrementing new version, circulating, etc., these are fairly taught in GRAINGER on [0129-0130 "new version"].

As for dep. claim 11 (part of 1), which deals with well known draft reviewing and approving parameters, i.e. translating the standard to proper language for reviewing and communication, is non-essential to the scope of the claimed invention which deals with reviewing and approving the draft electronically and would have been obvious to a

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skilled artisan as routine works to convert the language of the draft to appropriate language for reviewing and approving by the groups.

As for dep. claim 12 (part of 1), which deals with well known draft reviewing and approving parameters, i.e. attaching additional reviewing and commenting information in the form of documentations or other, this is fairly taught by GRAINGER on Fig. 6, 254, 256, or [0061].

As for dep. claim 13 (part of 1), which deals with well known draft reviewing and approving parameters, i.e. printing the approved document with watermark including the printing date, this is non-essential to the scope of the claimed invention which deals with reviewing and approving the draft electronically, and is fairly taught by AAPA on page 1, lines 15-17. Moreover, it would have been obvious to a skilled artisan to do so if printed document or paper with effective date of approved is desired.

As for dep. claim 14 (part of 1), which deals with well known draft reviewing and approving parameters, i.e. storing the approved document, this is fairly taught by GRAINGER on Fig. 2, 100, or [0042, 0130].

As for independent apparatus¹ claim 15, which is the apparatus to carry out the scope of method claim 1 above, it's rejected over the elements to carry out the method steps of claim 1 as cited above or over the same rejections using AAPA in view of GRAINGER as cited in claim 1 above.

As for dep. claim 16 (part of 15), which deals with draft generating parameters, i.e. by copying existing/approved standard, this is taught in AAPA/GRAINGER in view of the teaching of AAPA on page 1, lines 15 "may be created or formed by modifying an

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existing standard” which normally requires a copying step followed by modifying step.

The setting up of sufficient database and module to carry out these steps are within the skilled artisan and would have been obvious.

As for dep. claims 17-26 (part of 15), which have the same limitations as in dep. claims 2, 3, 5, 7, 8, 9, 10, 11, 12 and 13 respectively, they are rejected for the same reasons set forth in dep. claims 2, 3, 5, 7, 8, 9, 10, 11, 12 and 13 above.

As for independent product¹ claim 76, which is the computer-readable media having computer-readable instructions for performing the method of claim 1 above, it's rejected over the computer-readable media of AAPA in view of GRAINGER for performing the method as cited in claim 1 above.

10. Claims 1-14, 15-26, 76 are rejected (2nd) under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of GRAINGER, PARKS and JEFFERY et al.

As for independent method¹ claim 1, the teachings of AAPA / GRAINGER /PARKS are cited above.

In a similar electronic workflow pipeline or electronic document management system, JEFFERY et al is cited to teach the automatic attachment of comment/attachment to a draft document, “document & attachments”, for further communication and “EDIT” function in the heading region to allow editing capabilities to alter information in the document {see col. 13, lines 47-67, col. 14, lines 1-7, Fig. 26}. It would have been obvious to modify the teachings of AAPA /GRAINGER /PARKS by

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including feature for attaching comment to the document as taught by JEFFERY et al above for further communication or allowing editing capabilities.

As for claims 2-14, 15-26, and 76, they are rejected for the same reasons set forth above and further in view of JEFFERY et al as cited in claim 1 above.

Response to Arguments

11. Applicant's arguments, see responses, filed 11/17/05, with respect to the 103 rejections of claims 1-14, 15-26, 76 over AAPA /GRAINGER have been fully considered and are persuasive. This rejection has been withdrawn.

As for the 101 rejections, this rejection has been withdrawn in view of the decision in *Ex parte Lundgren*.

As for the 112, 1st paragraph and 2nd paragraph rejections, applicant's arguments are not found persuasive for the reasons set forth in paragraphs no. 1 and 2 above.

As for the claim objections, applicant's argument is not found persuasive for the reasons set forth in paragraph no. 3 above.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US Patent 5,315,504 with the title "Electronic document approval system".

Note the term "document" is used.

2) US Patent 5,040,142 with the title "Method of editing and circulating an electronic draft document amongst retrieving persons at remote terminals attached to a local area network". Note again the term "draft document" is used not just "draft technical standard" as in the claimed invention.

3) US 2002/0069099 with claim 1 of:

"(a) preparing a plurality of test plan review documents".

Note the term "document" is used again.

Therefore, applicant is recommended to include the term "document" in the independent claims (preamble and step (a)) to clarify the invention and overcome the rejections.

3) US 2002/0083079 shows a system for managing documents and editing and attachments (see [0102]).

No claims are allowed.

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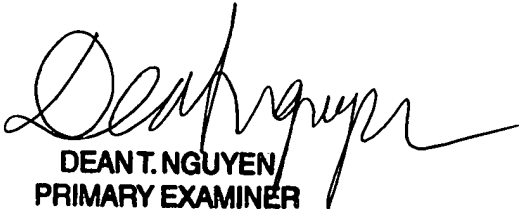
13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (571) 272-6812. The FAX phone numbers for formal communications concerning this application are (703) 872-9306. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn
March 20, 2006


DEAN T. NGUYEN
PRIMARY EXAMINER